

§ 42.07-50

(1) International load line exemption certificate issued under special conditions to U.S.-flag vessels engaged in foreign voyages, as follows:

(i) Form *E1*. For general international use.

(ii) Where this certificate is intended to expire after a single voyage, this information shall be noted on the face of the certificate.

(2) International load line certificate Form A1, A2, or A3 issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. Exemptions, if any, shall be specified on the certificate.

(g) The issuing authority shall provide the printed forms it may use under the regulations in this subchapter. These forms shall be approved by the Commandant before final printing. The international load line certificate and exemption certificate forms shall exactly reproduce the arrangement of the printed part of the model Forms *A1*, *A2*, *A3*, and *E1* indicated in subpart 42.50 of this part for all official copies and any certified copies issued.

(h) Where a vessel qualifies for and is issued a Form *E1* International Load Line Exemption Certificate for foreign voyages but is also or solely engaged in coastwise or intercoastal voyages by sea, this certificate shall be considered equivalent to a valid coastwise load line certificate. In such case the vessel shall be deemed in full compliance with 46 U.S.C. 5101-5116 and the regulations in this part promulgated thereunder.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 73-49R, 38 FR 12290, May 10, 1973; CGD-74; 153, 39 FR 25324, July 10, 1974; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 96-006, 61 FR 35964, July 9, 1996; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.07-50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in 46 U.S.C. 5116. The Secretary of Transportation by 49 CFR 1.46(b) has transferred to the Commandant authority to assess, collect, remit or litigate any monetary penalty imposed under these laws.

46 CFR Ch. I (10-1-03 Edition)

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the load line acts, or the regulations in this subchapter will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violations, the Coast Guard may do any one or more of the following:

(1) Detain a vessel if deemed to be overloaded in violation of title 46 U.S.C. 5112, in accordance with 46 U.S.C. 5113 and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in 46 U.S.C. 5112 and 5116.

(3) Initiate a criminal prosecution for certain violations when required by 46 U.S.C. 5112 or 5116.

(4) Initiate an action of libel against the vessel involved if there is a failure to pay monetary penalties assessed.

(5) Initiate a suspension or revocation proceeding, in addition to the foregoing actions described in this paragraph against any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the load line acts, the 1966 Convention, or the regulations in this subchapter, under the provisions of 46 U.S.C. Chapter 77, and the regulations in 46 CFR part 5.

(c) In determining offenses, 46 U.S.C. 5116 provides that 'Each day of a continuing violation is a separate violation' and

(d) The procedures governing the assessment, collection, remission and litigation of any monetary penalty proposed under 46 U.S.C. 5116 for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be allowed, are in 33 CFR subpart 1.07.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 97-057, 62 FR 51043, Sept. 30, 1997]

§ 42.07-55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03-5 or § 42.03-10 when found qualified are

issued appropriate load line certificates or load line exemption certificates, under U.S. responsibility as indicated in § 42.07-45 such certificates may be canceled by proper U.S. authority for due cause, including one or more of the causes listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks and compliance with conditions of assignment for the named vessel no longer are recognized by the United States and that the existing assigned load line marks are voided.

(b) Certain causes for automatic cancellation of certificates are:

(1) The conditions of assignment have not been maintained as required by this subchapter.

(2) Material alterations have taken place in the hull or superstructure of the vessel, which will necessitate the assignment of an increased freeboard.

(3) The fittings and appliances have not been maintained in an effective condition for the protection of openings, guardrails, freeing ports, and means of access to crew's quarters.

(4) The structural strength of the vessel is lowered to such an extent that the vessel is unsafe.

(5) The load line certificate or International Load Line Exemption Certificate is not endorsed to show the vessel has been surveyed annually or periodically by the issuing authority as required by this part or the 1966 Convention.

(6) Issuance of a new load line certificate for the same vessel.

(7) Surrender of a certificate for cancellation when required.

(8) The owner, master, or agent of the vessel has furnished false or fraudulent information in or with the application for a certificate.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969]

§ 42.07-60 Control.

(a) The District Director of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in

excess of the draft allowed by the regulations in this subchapter as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) If the District Director of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the District Director of Customs whether or not he deems that the vessel may proceed to sea with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the District Director of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the applicable law and the regulations in this subchapter.

(1) Where a vessel is detained for non-compliance with "material alteration" and "effective maintenance" requirements of paragraph (f)(1) of this section, the detention shall only be exercised insofar as may be necessary to ensure that the vessel can proceed to sea without danger to passengers or crew.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the District Director of Customs, depending on who orders the detention. The Coast Guard District Commander will immediately arrange for a survey in the manner prescribed by 46 U.S.C. 5113. Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the Coast Guard District Commander shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded in violation of the applicable provisions in the load line acts, and the regulations in this subchapter. If the survey confirms the allegation that the vessel is in violation of either law or the applicable regulations in this subchapter, "the owner and agent shall